

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 10-20568

v.

Hon. John Corbett O'Meara

D-1 SAMSON WRIGHT and  
D-2 CALVIN RAYMOND JONES,

Defendants.

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**ORDER GRANTING MOTIONS FOR SEVERANCE**

Before the court are Defendants' Samson Wright and Calvin Raymond Jones's motions for severance. The government has responded that it does not oppose the request and leaves the decision to the court's discretion.

Wright and Jones have been charged with arson. Wright pleaded guilty; Jones was convicted by a jury. After both appealed to the Sixth Circuit, the matter was remanded for a new trial for Jones and the court permitted Wright to withdraw his guilty plea. Both Wright and Jones have moved for separate trials.

Rule 8(b) of the Federal Rules of Criminal Procedure permits the government to charge two or more defendants in an indictment "if they are alleged to have participated in the same act or transaction, or in the same series of acts or

transactions constituting an offense or offenses." Rule 14, however, permits relief from prejudicial joinder as follows:

If the joinder of offenses and defendants in an indictment, an information, or a consolidation for trial appears to prejudice a defendant or the government, the court may order separate trials of counts, sever the defendants' trials, or provide any other relief that justice requires.

The United States Supreme Court has advised that "a district court should grant a severance under Rule 14 only if there is a serious risk that a joint trial would compromise a specific trial right of one of the defendants, or prevent the jury from making a reliable judgment about guilt or innocence." Zafiro v. United States, 506 U.S. 534, 539 (1993).

In this case, Jones intends to present a duress defense – that he only participated in the arson because of his fear of Wright. Specifically, Jones intends to present evidence of prior assaults by Wright and of Wright's reputation for violence, which the Sixth Circuit has held is admissible in Jones's case. United States v. Jones, 554 Fed. Appx. 460, 470 (6<sup>th</sup> Cir. 2014). Such "impermissible and highly inflammatory evidence of his bad character" would not be admissible against Wright if he were tried alone and would be unfairly prejudicial. See United States v. Breinig, 70 F.3d 850, 853 (6<sup>th</sup> Cir. 1995). Accordingly, under these circumstances, the court finds that severance is appropriate.

THEREFORE, IT IS HEREBY ORDERED that Defendants' motions for severance (Docket Nos. 139 and 141) are GRANTED.

s/John Corbett O'Meara  
United States District Judge

Date: July 3, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, July 3, 2014, using the ECF system.

s/William Barkholz  
Case Manager